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#### Mayor

Oscar Leeser

### ZONING BOARD OF ADJUSTMENT MEETING MINUTES COUNCIL CHAMBERS, CITY HALL BUILDING **NOVEMBER 10, 2014** 1:30 P.M.

#### **City Council**

Chairman Concha called the meeting to order at 1:30 p.m., quorum present.

District 1 Ann Morgan Lilly

The following Board Members answered roll call:

District 2

District 3

Emma Acosta

Mr. Robert Concha, Chairman

Larry Romero

Mr. Robert Garland, Vice-Chairman

Ms. Margaret Livingston Mr. Roy Gilyard

Mr. Luis De La Cruz

Mr. Sam Barela (1:39 p.m.)

District 4 Carl L. Robinson Mr. Lamar Skarda

Mr. James Graham

District 5 Dr. Michiel R. Noe The following City Staff were present:

Ms. Linda Castle, City Development Department, Senior Planner

Mr. Alex Hoffman, City Development Department, Lead Planner

Ms. Kristen Hamilton, Assistant City Attorney, City Attorney's Office

Claudia Ordaz

District 6

Mr. Tony De La Cruz, Building & Development Permitting, Senior Plans Examiner

District 7 Lily Limón

CHANGE(S) TO THE AGENDA

None.

District 8 Cortney C. Niland

**PUBLIC HEARING REGULAR AGENDA:** 

**City Manager** 

**Tommy Gonzalez** 

**ITEM 1:** 

PZBA14-00037 14569 Sunny Land Avenue Classic American Homes Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-5 (Residential) zone. This would allow an existing residential structure which encroaches 0.4 feet (4.8") into the required side yard setback and is located to within 4.6 feet of the east side property line. The required side yard setback is 5 feet in the R-5 zone district. This request for the builder error is Classic American Homes' first request in the last 12 months and is the only request to the ZBA for the builder error special exception in the past 12 months. The applicant has submitted a letter stating the error was unintentional.







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*District 6*Claudia Ordaz

*District 7*Lily Limón

District 8
Cortney C. Niland

**City Manager** Tommy Gonzalez STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION G, WITH THE CONDITION:

THAT THE PORTION OF THE STRUCTURE LOCATED LESS THAN 5 FEET TO THE SIDE PROPERTY LINE SHALL BE OF FIRE RATED CONSTRUCTION.

Ms. Castle gave a presentation and noted Staff did not receive any phone calls in favor of or in opposition to this request.

Chairman Concha and Vice-Chairman Garland commented and/or asked questions of the representative.

Mr. Conrad Conde, representative, advised the home was built encroaching onto the side yard setback.

#### **MOTION:**

Motion made by Mr. De La Cruz, seconded by Vice-Chairman Garland AND UNANIMOUSLY CARRIED TO ACCEPT STAFF RECOMMENDATIONS.

#### ITEM 2:

PZBA14-00038 8704 McFall Drive Manuel A. Garcia and Sara Garcia Applicants request Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-4 (Residential) zone. This would allow a 264 square feet (44′ by 6′) portion of an addition which is proposed to encroach into the required rear yard setback and to be located to within 10 feet of the rear property line. The required front and rear yard cumulative setback total in the R-4 zone district is 45 feet. The applicant is proposing additions to her home. A 264 square feet portion of one of the additions will encroach in the required rear yard setback.

### STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C.

Ms. Castle gave a presentation and noted Staff received one phone from the neighbor residing behind the subject property.

Mr. De La Cruz explained he owned property less than 300 feet from the applicants and asked staff if it was appropriate for him to comment and vote on this particular request. Ms. Hamilton responded that it is not a problem for him to vote on this request.

Mr. David Torres, contractor, was present to represent the owner.

There were no questions from the Board.

#### **MOTION:**

Motion made by Mr. De La Cruz, seconded by Mr. Graham AND UNANIMOUSLY CARRIED TO ACCEPT STAFF RECOMMENDATIONS.







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**City Manager** Tommy Gonzalez **REVISED** 

**ITEM 3:** 

PZBA14-00039 11313 Quintana Drive Adam & Kathy Gonzalez Applicants request a Special Exception under Section 2.16.050 I (Carport over a Driveway) in an

Applicants request a Special Exception under Section 2.16.050 J (Carport over a Driveway) in an R-3 (Residential) zone. This would allow a 23′ by 16.9′ carport (389 square feet) which is proposed to encroach in the required front yard setback and to be located to within 8 feet of the front property line. The required cumulative front and rear yard setback total is 50 feet in the R-3 zone district. The applicants are requesting a carport which will encroach into the required front yard setback. There is no utility easement at the front property line. The plans show that the carport will match the house in materials and design and will rise no higher than the roof of the existing house. The owner was granted building permit #91-02567 for the carport which is located in the side yard setback. The applicant's representative is required to submit revised plans. The review of the structural drawings by Building Development & Permitting is not available as of the date of this report.

Revised site plan and elevation drawing have been submitted, as well as the structural review by Building Development & Permitting.

STAFF RECOMMENDS APPROVAL OF THE REQUEST FOR THE SPECIAL EXCEPTION J, WITH THE CONDITION:

THAT THE REQUIRED 5 FEET HIGH WALL FOR SCREENING THE CARPORT IN THE SIDE YARD IS PROVIDED, PER SECTION 20.12.040 E.1., YARDS, SIDE AND REAR YARDS.

Ms. Castle gave a presentation and noted Mr. Tony De La Cruz had reviewed the request and noted that corrections to the structural plans were required before submitting for a building permit.

Mr. Ryan Harding, representative, understood the condition placed on the approval by Staff and the submittal of revised structural plans prior to obtaining a building permit.

#### **MOTION:**

Motion made by Mr. Skarda, seconded by Mr. Cordova AND UNANIMOUSLY CARRIED TO APPROVE

#### Other Business - Discussion and Action:

4. Election of Officers

#### **CHAIRMAN**

**MOTION:** 

Motion made by Vice-Chairman Garland, seconded by Ms. Livingston AND UNANIMOUSLY CARRIED THAT CHAIRMAN CONCHA REMAIN AS CHAIRMAN OF THE ZBA.







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**City Manager** Tommy Gonzalez

#### **VICE-CHAIRMAN**

- 1. Mr. De La Cruz nominated Mr. Roy Gilyard.
- 2. Mr. Skarda nominated Vice-Chairman Garland.

#### **VOTES FOR MR. GILYARD**

Four votes for Mr. Gilyard.

#### **VOTES FOR VICE-CHAIRMAN GARLAND**

Four votes for Vice-Chairman Garland.

Due to tie votes, Ms. Hamilton explained both Mr. Gilyard and Vice-Chairman Garland could serve as co-Vice-Chairmen.

#### **MOTION:**

Motion made by Mr. De La Cruz, seconded by Vice-Chairman Garland AND UNANIMOUSLY CARRIED TO APPROVE THE CO-VICE-CHAIRMEN.

5. Approval of Minutes: October 13, 2014

#### **MOTION:**

Motion made by Mr. Skarda, seconded by co-Vice-Chairman Garland AND UNANIMOUSLY CARRIED TO APPROVE THE OCTOBER 13, 2014 MEETING MINUTES.

ABSTAIN: Mr. Gilyard and Mr. Barela

MEETING ADJOURNED AT 1:50 P.M.

Linda Castle, Senior Planner



